

FEB 02 2009

PTO/SB/97 (08-03)

Approved for use through 07/31/2008. OMB 0851-0031

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Serial No.: 10/567,718

Docket No.: PU030253

Examiner: Alfred J. Wujciak

Transmittal Form (2 Copies - 2 Pages)

Fee Transmittal Form (2 Copies - 2 Pages)

Appeal Brief (10 Pages)

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PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/567,718
	Filing Date	February 8, 2008
	First Named Inventor	Eric Richard May et al.
	Art Unit	3632
	Examiner Name	Alfred J. Wujciak
Total Number of Pages in This Submission	Attorney Docket Number	PU030253

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Thomson Licensing		
Signature	<i>Patricia A. Verlangieri</i>		
Printed name	Patricia A. Verlangieri		
Date	February 2, 2009	Reg. No.	42,201

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Typed or printed name	Patricia A. Verlangieri	Date	February 2, 2009

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PTO/S&amp;B/21 (09-04)

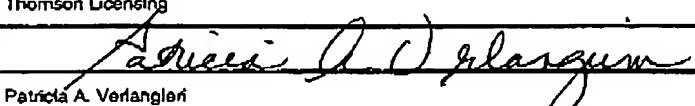
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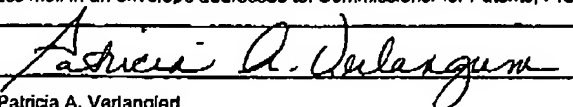
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	Filing Date	February 8, 2006
	First Named Inventor	Eric Richard May et al.
	Art Unit	3632
	Examiner Name	Alfred J. Wujdak
	Attorney Docket Number	PU030253
Total Number of Pages in This Submission		

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Remarks		

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Firm Name	Thomson Licensing		
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Printed name	Patricia A. Verlangieri		
Date	February 2, 2009	Reg. No.	42,201

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PTO/SB/17 (10-03)

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 540

**Complete If Known**

Application Number	10/567,719
Filing Date	February 8, 2006
First Named Inventor	Eric Richard May et al.
Examiner Name	Alfred J. Wujciak
Art Unit	3632
Attorney Docket No.	PU030253

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
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Deposit Account Name: THOMSON LICENSING INC., Customer No. 24498

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**FEE CALCULATION**

**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	385	Utility filing fee	
1002	350	2002	170	Design filing fee	
1003	550	2003	265	Plant filing fee	
1004	790	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$)</b> 0

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims:  Extra Claims:  Fee from below:  Fee Paid:

Independent Claims:  Fee from below:  Fee Paid:

Multiple Dependent:  Fee from below:  Fee Paid:

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	300	2203	145	Multiple dependent claim, if not paid	
1204	88	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b>(\$)</b> 0

*\*\* or number previously paid, if greater. For Reissues, see above*

**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	820*	1804	820*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	210	Extension for reply within second month	
1253	980	2253	475	Extension for reply within third month	
1254	1,530	2254	740	Extension for reply within fourth month	
1255	2,080	2255	1,005	Extension for reply within fifth month	
1401	340	2401	165	Notice of Appeal	
1402	340	2402	165	Filing a brief in support of an appeal	540
1403	300	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	665	Petition to revive - unintentional	
1501	1,270	2501	685	Utility issue fee (or reissue)	
1502	490	2502	240	Design issue fee	
1503	680	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Director	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (a)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	780	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** **(\$)** 540

**SUBMITTED BY**

Name (Print/Type)	Patricia A. Verlander	Registration No. (Attorney/Agent)	42,201	Telephone	(609) 734-6867
Signature	<i>Patricia A. Verlander</i>			Date	February 2, 2009

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PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 540

**Complete if Known**

Application Number	10/587,718
Filing Date	February 6, 2006
First Named Inventor	Erló Richard May et al
Examiner Name	Alfred J. Wujciak
Art Unit	3632
Attorney Docket No.	PU030253

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
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Account  
Name

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☐ Charge any additional fee(s) during the pendency of this application  
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Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	385	Utility filing fee	
1002	350	2002	170	Design filing fee	
1003	550	2003	265	Plant filing fee	
1004	790	2004	385	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from below		Fee Paid	
Total Claims	Independent Claims						
		0	X			0	
		0	X			0	
			X			0	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
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1204	88	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$ 0

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**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
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1253	880	2253	475	Extension for reply within third month	
1254	1,530	2254	740	Extension for reply within fourth month	
1255	2,060	2255	1,005	Extension for reply within fifth month	
1401	340	2401	165	Notice of Appeal	
1402	340	2402	165	Filing a brief in support of an appeal	540
1403	300	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	860	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Director	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1901	780	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

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SUBTOTAL (3)

(\$ 540

**SUBMITTED BY**

Name (Print/Type)

Patricia A. Verlengier

Registration No.  
(Attorney/Agent)

42,201

Telephone

(609) 734-6867

Signature

Patricia A. Verlengier

Date

February 2, 2009

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Serial No. 10/484,794

PU030253

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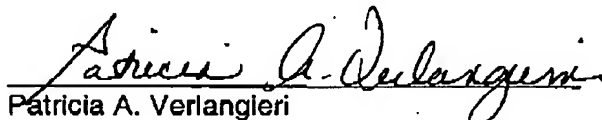
## Patent Application

Inventors : Eric Richard May et al.  
Serial No. : 10/567,718  
Filed : February 8, 2006  
Title : VISUAL DISPLAY WALL MOUNTING APPARATUS  
Examiner : Alfred J. Wujciak  
Art Unit : 3632

Mail Stop Appeal Brief - Patents  
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Alexandria, VA 22313-1450 on February 2, 2009 to facsimile number  
(571) 273 -8300.

  
Patricia A. Verlangieri

**APPELLANTS' BRIEF UNDER C. F. R. § 1.192**

On December 1, 2008, Appellants' filed a timely Notice of Appeal (that  
was received in the United States Patent and Trademark Office on December 1,  
2009) from the action of the Examiner finally rejecting pending claims 1-14. The  
Appellants' herein file this Brief in accordance with 35 C. F. R. § 1.192.

02/03/2009 VBUI11 00000017 070832 10567718  
01 FC:1402 540.00 DA

FEB 02 2009

Serial No. 10/484,794

PU030253

**1. IDENTIFICATION OF THE REAL PARTY IN INTEREST**

The real party in interest for the above-identified application is Thomson Licensing, which is the assignee of record for this application.

**2. IDENTIFICATION OF RELATED APPEALS OR INTERFERENCES**

To the best of Appellants' knowledge, there are no appeals or interferences that will be directly affected by, or will have a bearing on the decision of this appeal.

**3. STATUS OF THE CLAIMS**

Claims 1-14 are rejected and the rejection of claims 1-14 is appealed.

The above-identified application was filed on February 8, 2006, which claims priority under 35 U. S. C. § 371 to International Application No. PCT/US04/25299 filed August 5, 2004 which claims benefit of US Provisional Patent Application No. 60/498,264 filed August 26, 2003.

A first Office Action was mailed September 28, 2007 (Paper No. 1), in which claims 1-14 were rejected.

In Applicants' response to the first Office Action, dated February 27, 2008, claims 1 and 8 were amended.

The Examiner in a second Office Action, mailed June 30, 2008 (Paper No. 20080625), finally rejected claims 1-14.

The status of the claims is as follows:

Claims 1 and 8 are once amended.

Claims 1-14 all stand finally rejected. The rejection of claims 1-14 is appealed.

Serial No. 10/484,794

PU030253

**4. STATUS OF THE AMENDMENTS**

No amendments were made after final rejection. All amendments were entered.

**5. SUMMARY OF THE CLAIMED SUBJECT MATTER**

Independent claim 1 is directed to a wall mounting apparatus for a visual display. See Appellant's specification at page 1, lines 9-10. The wall mounting apparatus includes a first plate 4 attached to a wall and a second plate 2 attached to a display. See Appellant's specification at FIG. 1A and page 3, lines 12-14. The visual display is mounted to the wall by hooking the first and second plates, such that each plate contacts the other in at least two places. See Appellant's specification at FIG. 1D and page 3, lines 29-33. In FIG. 1D, portion 10 of the second plate 2 contacts an area of the surface of portion 7 of the first plate 4, while portion 9 of the first plate 4 contacts an area of the surface of portion 8 of the second plate 2.

Independent claim 8 is directed to a display system including a wall mounting apparatus. See Appellant's specification at page 1, lines 9-10. The wall mounting apparatus includes a first plate 4 attached to a wall and a second plate 2 attached to a display. See Appellant's specification at FIG. 1A and page 3, lines 12-14. The visual display is mounted to the wall by hooking the first and second plates, such that each plate contacts the other in at least two places. See Appellant's specification at FIG. 1D and page 3, lines 29-33. In FIG. 1D, portion 10 of the second plate 2 contacts an area of the surface of portion 7 of the first plate 4, while portion 9 of the first plate 4 contacts an area of the surface of portion 8 of the second plate 2.



Serial No. 10/484,794

PU030253

**6. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL**

1. The Examiner has rejected claims 1-14 as being anticipated under 35 U. S. C. § 102(b) over Walmsley (U. S. Patent 2,299,443).

**7. ARGUMENT**

1. Rejection of claims 1-14 under 35 U. S. C. § 102(b) over Walmsley (U. S. Patent 2,299,443).

**Claims 1-7**

Walmsley describes a frame support. See Walmsley at column 1, lines 1-2. In Walmsley, the frame support includes member 5 attached to the wall and member 10 attached to the framed object. See Walmsley at FIG. 3 and column 1, lines 33-46. Member 10 interlocks with member 5 in only one place to mount the framed object on the wall. See Walmsley at FIG. 3.

Independent claim 1 is directed to a wall mounting apparatus for a visual display. See Appellant's specification at page 1, lines 9-10. The wall mounting apparatus includes a first plate 4 attached to a wall and a second plate 2 attached to a display. See Appellant's specification at FIG. 1A and page 3, lines 12-14. The visual display is mounted to the wall by hooking the first and second plates, such that each plate contacts the other in at least two places. See Appellant's specification at FIG. 1D and page 3, lines 29-33. In FIG. 1D, portion 10 of the second plate 2 contacts an area of the surface of portion 7 of the first plate 4, while portion 9 of the first plate 4 contacts an area of the surface of portion 8 of the second plate 2.

Walmsley does not describe or suggest a wall mounting apparatus including a first plate attached to a wall and a second plate attached to a display,

Serial No. 10/484,794

PU030253

wherein the visual display is mounted to the wall by hooking the first and second plates, such that each plate contacts the other in at least two places. Rather, Walmsley describes a completely different arrangement that teaches away from applicants arrangement, in which two members contact each other in only one place to mount a framed object on the wall.

Therefore, independent claim 1 and dependent claims 2-7 are patentable over Walmsley.

All claims argued within this section will stand or fall together.

#### Claims 8-14

Walmsley describes a frame support. See Walmsley at column 1, lines 1-2. In Walmsley, the frame support includes member 5 attached to the wall and member 10 attached to the framed object. See Walmsley at FIG. 3 and column 1, lines 33-46. Member 10 interlocks with member 5 in only one place to mount the framed object on the wall. See Walmsley at FIG. 3.

Independent claim 8 is directed to a display system including a wall mounting apparatus. See Appellant's specification at page 1, lines 9-10. The wall mounting apparatus includes a first plate 4 attached to a wall and a second plate 2 attached to a display. See Appellant's specification at FIG. 1A and page 3, lines 12-14. The visual display is mounted to the wall by hooking the first and second plates, such that each plate contacts the other in at least two places. See Appellant's specification at FIG. 1D and page 3, lines 29-33. In FIG. 1D, portion 10 of the second plate 2 contacts an area of the surface of portion 7 of the first plate 4, while portion 9 of the first plate 4 contacts an area of the surface of portion 8 of the second plate 2.

Walmsley does not describe or suggest a wall mounting apparatus including a first plate attached to a wall and a second plate attached to a display, wherein the visual display is mounted to the wall by hooking the first and second plates, such that each plate contacts the other in at least two places. Rather,

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FEB 02 2009

Serial No. 10/484,794

PU030253

Walmsley describes a completely different arrangement that teaches away from applicants arrangement, in which two members contact each other in only one place to mount a framed object on the wall.

Therefore, independent claim 8 and dependent claims 9-14 are patentable over Walmsley.

All claims argued within this section will stand or fall together.

### **8. CONCLUSION**

In view of the foregoing arguments, appellants respectfully request that the Examiners' rejection of claims 1-14 be reversed. Favorable action is respectfully requested.

Respectfully submitted,



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Attachments  
Appendix I - Claims 1-14  
Appendix II - Evidence  
Appendix III - Related Appeals or Interferences

Serial No.: 10/567,718

PU030253

**APPENDIX I - APPEALED CLAIMS**

1. A wall mounting apparatus for a visual display, comprising:  
a first plate attached to a wall; and  
a second plate attached to a visual display, wherein the visual display is mounted to the wall by hooking the first and second plates together, such that each plate contacts the other in at least two places.
2. The wall mounting apparatus of claim 1 wherein at least one of the first plate and the second plate include an angled portion and a flat portion extending away from the angled portion.
3. The wall mounting apparatus of claim 1 wherein at least one of the first plate and the second plate include an angled portion, a flat portion and a backstop portion.
4. The wall mounting apparatus of claim 3 wherein the backstop portion extends between the angled portion and the flat portion.
5. The wall mounting apparatus of claim 1 wherein the first plate is configured to include an elongate section which contacts a corresponding elongate section of the second plate.
6. The wall mounting apparatus of claim 1 wherein one of the first plate and the second plate is longer than the other to permit side-to-side adjustment.
7. The wall mounting apparatus of claim 1 wherein one of the first plate and the second plate includes two or more end stops.

Serial No.: 10/567,718

PU030253

8. A display system including a wall mounting apparatus, comprising:  
a first plate attached to a wall; and  
a second plate attached to a visual display, wherein the visual display is mounted to the wall by hooking the first and second plates together, such that each plate contacts the other in at least two places.

9. The display system of claim 8 wherein at least one of the first plate and the second plate include an angled portion and a flat portion extending away from the angled portion.

10. The display system of claim 8 wherein at least one of the first plate and the second plate include an angled portion, a flat portion and a backstop portion.

11. The display system of claim 10 wherein the backstop portion extends between the angled portion and the flat portion.

12. The display system of claim 8 wherein the first plate is configured to include an elongate section that contacts a corresponding elongate section of the second plate.

13. The display system of claim 8 wherein one of the first plate and the second plate is longer than the other to permit side-to-side adjustment.

14. The display system of claim 8 wherein one of the first plate and the second plate includes two or more end stops.

Serial No.:10/567,718

PU030253

**APPENDIX II - EVIDENCE**

Not applicable.

Serial No.:10/567,718

PU030253

**APPENDIX III - RELATED APPEALS OR INTERFERENCES**

Not applicable.